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January 23, 2024

**By ECF**

The Honorable Paul A. Engelmayer, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: *Norris v. Goldner, et al.*, 19-cv-5491 (PAE)(SN); Letter-Motion for Extension of Time to  
Respond to Plaintiff's Motion

Dear Judge Engelmayer:

At the end of last week, our firm was retained by the defendants in the above-referenced matter in light of various differences with current counsel. I understand that the plaintiff has filed a motion for damages and fees (ECF No. 166) (the "Motion"), and that a response is due this Friday, January 26, 2024. Current counsel and I will be working on filing proper forms in this action to reflect the substitution as to this case, but given the tight timing, the defendants wanted to file this letter-motion pursuant to Your Honor's Rule 1.E. as soon as was practicable.

This case has been pending for quite a while, and the Motion implicates some of the history from the past four-plus years. Further, I had previously scheduled work-related travel and obligations coming up over the next two weeks. However, I believe that with assistance from the client<sup>1</sup> and a substantial amount of attention to the matter, I can submit the opposition papers within the time-frame normally permitted for opposing substantive motions. Accordingly, on behalf of my clients, we respectfully request that the date to oppose the motion be continued by three weeks, *i.e.*, to February 16, 2024. While there have been two adjournments of the date to file the Motion initially following the plaintiff's request, there have been no previous requests for adjournment or extensions of time pertaining to the defendants' opposition to this Motion.

Despite the consent to prior extensions from defense counsel as a professional courtesy, the plaintiff's counsel has consented to an extension of just one week. In my view, this is an insufficient amount of time for me to become sufficiently familiar with the various issues present in a motion that presents such fact-specific issues as willfulness, and my request of three weeks is already cutting it close to the line of what I believe I can do while still meeting my professional obligations as counsel to my new clients. Plaintiff will suffer no prejudice from an extra two weeks' time for briefing. Accordingly, I respectfully request that the Court grant the requested extension of three weeks.

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<sup>1</sup> I do not anticipate any assistance from current counsel apart from delivery of the files, and my understanding from a filing made at the Second Circuit regarding this matter is that counsel has intended to withdraw from this action and has otherwise been focused on other cases.



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On behalf of my clients, we thank the Court for its attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'E.M. Lackman'.

Eleanor M. Lackman

EML

cc: All counsel of record (*via ECF*)

GRANTED. The Court extends the deadline for defendants' opposition to **February 16, 2024**. Plaintiff's reply, if any, is due **March 1, 2024**. Given defendants' prior consent to plaintiff's two consecutive extension requests, Dkts. 162, 164, the Court expects plaintiff's counsel, in the future, to show the same professional courtesy. SO ORDERED.

Dated: January 23, 2024  
New York, New York

A handwritten signature in black ink, appearing to read 'Paul A. Engelmayer'.  
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PAUL A. ENGELMAYER  
United States District Judge